

City Council Special and Regular Meetings, April 23, 2002

Teleconference –Locations of Meetings

Twin Pines Senior and Community Center, 1223 Ralston Avenue, Twin Pines Park, Belmont, CA. and Hilton Garden Inn, Room 333, 14850 Kruse Oaks Drive, Lake Oswego, Oregon

SPECIAL MEETING

CLOSED SESSION – 6:30 P.M.

A. Conference with Legal Counsel, regarding potential litigation, pursuant to Government Code Section 54956.9:

2 Cases

Closed Session 1

Attended by Councilmembers Metropulos, Cook, Bauer, Warden, Wright, City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree and Attorney Blackman. City Clerk Kern was excused from attending.

ADJOURNMENT at this time, being 7:10 P.M., this Closed Session was adjourned

This meeting was not tape-recorded.

Kathy Kern

Belmont City Clerk

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Closed Session 2

Attended by Councilmembers Metropulos, Cook, Bauer, Warden, Wright, City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree Attorney Coluntuano, Community Development Director Ewing and Senior Planner Ouse. City Clerk Kern was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M., this meeting was adjourned.

This meeting was not tape-recorded

Kathy Kern

Belmont City Clerk

REGULAR MEETING - 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Metropulos, Cook, Wright, Bauer, Warden,

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Acting Public Works Director Jones, Finance Director Fil, Police Chief Janke, Parks and Recreation Director Mittelstadt, IT Manager Harnish, Human Resources Director Dolan, City Clerk Kern

PLEDGE OF ALLEGIANCE

Led by Girl Scout Troop 1347, Sandpiper Elementary School, Shelly Muldoon, Leader.

ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Warden reported that at the Closed Session held on April 9, 2002, direction was given, but no action taken.

SPECIAL PRESENTATIONS

Introduction of new Public Works Director Ray Davis

City Manager Kersnar introduced the new Public Works Director Ray Davis. He explained his extensive background in transportation and stated that his expertise would be an asset to Belmont. City Manager Kersnar reported that Mr. Davis would start work on May 20, 2002.

Mr. Davis thanked everyone and said he committed to providing the high level of customer service that the Council and community expected. He said

he was excited to join a team to implement this vision of this community, to make Belmont the proudest place on the Peninsula.

Council thanked the Interim Public Works Director Duncan Jones for doing a great job.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Ms. Morris, 2286 Hastings Drive, stated that she was not against the Hastings Drive traffic barriers but, felt they should be moved further down the street so that the neighbors could back out of their driveways. She said that she thought that it created a safety hazard because the fire trucks would not be able to get through in an emergency. Ms. Morris stated that these barriers now blocked the fire hydrant at the alley leading to the canyon. She said the pedestrian crosswalk was not slowing traffic, and was not well utilized. She suggested that more police presence be made available to slow down the traffic.

Mr. Hooper, 26 Cliffside Court, stated that the roundabout that was placed in front of his neighbors house prevented them from backing out of their driveway. He explained the difficulties he experienced when he tried to access Hastings with his truck and boat. He expressed his concerns about a fire truck being able to get into his court in an emergency. Mr. Hooper suggested adjusting the location of the roundabouts to help with the egress and ingress into the court and driveways.

Mr. Wai, 2282 Hastings, explained that this roundabout in front of his home prevented egress and ingress onto his driveway. He said he would like to know what concerns the fire department had about these devices. Mr. Wai said he would like to know what the City would do to make changes, so that the residents would not be impacted negatively, and requested that Council consider reducing the trial period for these devices.

Ms. Goldstrom, 2520 Hastings, explained the hazards of speeders on Hastings. She said that when she asked the police to put a speed bump in, they told her it would be too hazardous.

Ms. Knudson, 2413 Hastings, stated that she lived near the crosswalk and it was not slowing the traffic. She said these barriers had created an obstacle course and suggested that the Council drive in this area and ask themselves if they would like these in their neighborhood. Ms. Knudson requested that these barriers be removed now.

Ms. Mokhtari, 24 Cliffside Ct, said that these barriers were causing a hazard for drivers because the sight distance was limited and she was afraid she was going to get hit coming around the corner. She said that the neighbors on Cliffside Court had not been notified about these barriers. She suggested that these be removed and speed bumps put in their place to slow the traffic. Ms. Mokhtari said that these barriers were unsightly and six months was too long to test this system.

Mr. Rutledge, 2407 Hastings, said he was very happy that the crosswalk had been put in so that his children could access the park across the street. He said he was in favor of these barriers, but he thought the roundabout should be moved down the street.

Mr. Beitch, 2405 Hastings, said he was there to represent the neighbors that were supportive of these barriers. He said there were some things that needed to be adjusted, but the traffic had been slowed down. He said this was a temporary situation to figure out the best configuration for these barriers and that 80% of the neighbors had been in favor of this solution. Mr. Beitch explained that this process took over two years to work through and he requested that the Council not bypass this process. He said he thought that removal of the roundabout might provide a solution to the concerns expressed tonight.

Mr. Eng, 2531 Hastings Drive, said he thought the traffic was avoiding the neckdowns and using the centerline as a guide. He said an assessment of the traffic should be done to determine if this was the right solution to the speeding on Hastings.

Mayor Warden explained that no action could be taken at this meeting because it was not on the agenda. He stated that staff could assess if the speed on Hastings had been reduced. He stated that if it had not been reduced, it seemed logical that there was no need for these barriers.

He requested that staff report back with the options for Council to consider.

City Manager Kersnar explained that this plan was developed by a consultant with review and installation of the plan on a trial basis, following approval by the neighborhood. He said that installation of the measures allowed the city to modify the plan based on experience, and then the same group would be resurveyed to determine if the barriers should be permanent. He said the staff had just begun the internal testing, because the barricades had just been installed and it was clear that some tweaking needed to occur. City Manager Kersnar stated that unless Council directed staff otherwise, the process would go forward. He said the detailed comments made by the

speakers would be looked into and responded to by the staff. He said he didn't know what kind of problems had been created by the large vehicles driving on this street, but staff would look into minimize the safety problems. He said this process was undertaken to respond to neighborhood concerns that had been brought to the Council regarding excess speeding on Hasting Drive.

Mayor Warden requested that staff respond to everyone with a specific concern.

City Manager Kersnar stated that this would be taken care of immediately.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Warden announced that a citizen survey would be sent to residents in the next few days. He noted that this survey would be used as a tool to provide the Council and staff with important feedback regarding the needs of the community. Mayor Warden requested that everyone take the time to fill out the survey and return to the City.

AGENDA AMENDMENTS

Mayor Warden announced that Consent Calendar item 4-G (Motion to advertise for Arts Commissioner) would be removed for separate consideration.

CONSENT CALENDAR

Approval of meeting minutes: March 26, 2002.

Approval of Warrant List Dated: April 5, 2002 in total amount of \$831,318.46 and dated April 12, 2002 in total amount of \$212,531.14.

Written Communication (None)

Motion to approve Claims Management Report.

Motion to waive reading of Ordinance.

Resolution No. 9221 approving reappointments to the Finance Commission for terms to expire on March 1, 2005. (Sepah-Mansour, Troyan & Violet)

Resolution No. 9222 approving a Permanent Encroachment Agreement for construction of Retaining Walls, Stairs and Planter Box within the Public

Right-of-Way at 1629 Notre Dame Avenue. (Owners: Mr. & Mrs. Ferst, APN 044-342-060)

Resolution No. 9223 approving Permanent Encroachment Permit for a Driveway Bridge and Stairs within the Public Right-of-Way at 2518 Ralston Avenue. (Owner: Mr. Faddah, APN 043-322-070)

Resolution No. 9224 approving a Permanent Encroachment Agreement for the construction of a Driveway Bridge, Retaining Walls, Fence, and Stairs within the Public Right-of-Way at 2718 Barclay Way. (Owner Mr. Wong, APN 043-172-050)

Resolution No. 9225 Authorizing South Bayside Waste Management Authority to Request Funding On Behalf of the City Of Belmont from the California Department Of Conservation. (\$14,432)

Resolution No. 9226 authorizing City Manager to execute a Professional Services Agreement with Analytic Management Systems to perform supplemental accounting services.

Resolution No. 9227 approving a second amendment to the Professional Services Agreement with T.Y. Lin International, Inc. for Safe Routes to School Final Design Services and Preparation of a Project Report for the U.S. Highway 101 Bicycle/Pedestrian Bridge for an amount not to exceed \$369,949, City Contract No. 433.

Consent Calendar adopted as amended, on motion by C. Cook, seconded by C. Bauer and approved unanimously, by roll call vote.

CONSIDERATION OF MOTION DIRECTING THE CITY CLERK TO RE-ADVERTISE FOR ONE VACANCY ON THE ARTS COMMISSION Mayor Warden explained that he removed this item to determine if the other Council members had any interest in postponing this recruitment until the regular cycle in January 2003.

Council concurred with this suggestion.

Action: on motion by C. Wright, seconded by C. Bauer, and approved unanimously, by roll call vote to wait until January, 2003 to recruit for Arts Commissioner.

PUBLIC/HEARINGS

Public Hearing to consider a Resolution accepting \$37,843 from the State of California State Technology Grant Funding -Law Enforcement Grant (AB1740) and authorizing expenditures of those funds.

Police Chief Janke reported that this Grant would be used to acquire new technology and equipment. He explained that the department would be able to purchase or fund access to the County Intranet known as Law Net, purchase a CLETS computer, five laptops, a server for digital photography, two digital cameras and four flat screen monitors. He noted that some of this equipment would be used in the mobile command vehicle.

Mayor Warden opened the public hearing

On motion by C. Cook, seconded by C. Bauer, and approved unanimously, by roll call vote to close the Public Hearing.

Action: On motion by C. Bauer, seconded by C. Wright, and approved unanimously, by roll call vote, to adopt:

Resolution No. 9228 accepting \$37,843 from the State of California State Technology Grant Funding- Law Enforcement Grant (AB1740) and authorizing expenditures of those funds.

Public Hearing to consider amendments to the San Juan Hills Area Plan, the Western Hills Area Plan and Section 4.7 of the Belmont Zoning Code to reduce density and intensity in the HRO zoning Districts, to require rezoning of HRO-1 lands to HRO-2 when in conjunction with a subdivision, to reduce the maximum default floor area on substandard lots that exceed 30% slope from 1,200 square feet to 900 square feet and to direct Staff to draft design guidelines for clustered development in the HRO Districts. (Application No. 02-0004); CEQA Status: Special Situations (Section 15183 (g)), City of Belmont (Applicant).

Community Development Director Ewing reported that these actions were a culmination of the directive that was given to the staff in August to return with a recommendation.

Associate Planner Ouse reviewed the steps that had been taken to achieve the goal of applying the slope density concept of the HRO district Citywide. Associate Planner Ouse reviewed the Commission recommendations following the two public workshops and two public hearings. The recommendations included reduction of the maximum allowable floor area

for substandard lots within the HRO-2 zoning district, in excess of 30%, from the current standard of 1200 square feet, to 900 square feet; require any subdivision of land currently zoned HRO-1 to rezone property to HRO-2; establish design guidelines for clustered development in hillside areas; reduce the maximum allowable density in the HRO District by 66%; and a threefold increase in the slope-adjusted minimum lot size.

Associate Planner Ouse explained that following analysis by legal counsel, staff was recommending that the Council not act on the Planning Commission recommendation "to require any subdivision of land currently zoned HRO-1 to be rezoned to HRO-2". Staff would like to hold further discussions with the Planning Commission to review the various options.

Associate Planner Ouse reported that the Government Code allowed General Plan amendments, provided that they maintain the internal consistency of the General Plan. This policy supports the proposed Area Plan and Zoning code amendments for the San Juan Hills and Western Hills.

Associate Planner Ouse explained that staff had determined that none of the Councilmembers lived within 500 ft of any of the land that was involved in this action. She noted that legal counsel would like Council to add the following amendment with any actions taken at this meeting: "Whereas the City Council finds the proposed amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment, and has determined that the amendments are consistent with the California Environmental Quality Act Guidelines, Section 15060(c)(2).

Mayor Warden opened the public hearing

Mr. Ward, Consultant, 792 Willborough Place, Burlingame, read a letter (on file in Clerk's office) requesting that Council defer action on amending the Western Hills Area Plan and HRO-3 zoning until Mr. Carraro had a chance to submit a precise plan which would meet the intent of the city's policies for his 100+ acres. Mr. Ward requested that the Council adopt the clustered housing design guidelines as suggested by staff.

Mr. Carraro, 4192 Mission, stated that he was the owner of 100+ acres in the Western Hills and he expressed his concern about the proposed 66% density reduction because he thought a parcel of this size should be considered on its own. He said he would cooperate with the City on a plan that would be beneficial to everyone.

Ms. Gaffney, 2405 Palmer Avenue, said she thought property owners had a right to feel comfortable that their property value would be protected, and

she thought these types of actions would damage property values. Ms. Gaffney said she did not think the community wanted open space or they would have purchased the land. She said that the rights of property owners needed to be balanced with safety issues in this area.

Mr. Lizano, 2814 Monte Cresta, stated he was in favor of most of the elements in the plan except the reduction in home size from 1200 sf to 900 sf. He said that he thought these additions might make the homes look like tree houses. He requested that Council consider this carefully.

Mr. McLaughlin, 3313 Plateau, co-president of Plateau-Skymont Neighborhood Association, stated that their association voted to support these proposals, because of the health and safety considerations that had occurred with other developments in the steep canyons. He requested that whenever bond funds or other funds became available from Redevelopment, that these owners should be reimbursed the purchase price of their land.

Mr. Jones, 2707 Sequoia Way, stated that approval of these amendments would clarify City policy. He said these amendments would protect open space, reduce the strain on overburdened infrastructure, and prevent litigation and hazardous development. He noted that all of these goals were called out in the 1988 San Juan Hills Area Plan and the General Plan. Mr. Jones stated that the 900-sf housing would only be applicable on lots over 30% slope and thought that was the maximum slope to build anything.

Mr. Beitch, 2405 Hastings Drive, President of Western Hills Neighborhood Association, expressed support for these amendments. He said he was in favor of allowing Mr. Carrau to present a proposal to the City.

Mr. Dentler, 2608 Wakefield Drive, stated that many of the lots in Belmont were inaccessible and he found that Mr. Carraro's land was 5 times as steep as Ralston Avenue. He said he thought that the ground rules had never been clear and attempts to define open space left the city with a lax hillside development framework. The San Juan Plan began a process to consolidate floor area and density transfers, but the details and methodology lacked vision. Heretofore most developments had been approved piecemeal, which had resulted in inconsistent and hazardous designs. Mr. Dentler stated that these amendments would incorporate a new set of standards and a clear framework for construction on hillsides, which would then be protected.

Mr. McHugh, 2600 Belmont Canyon Road, stated his concern about the changes to the amount of square footage allowed to be used to construct a home on a substandard lot. He indicated that the 900 sf allowed would translate into 460 sf of living space and 440 sf of garage space. Mr. McHugh

stated that he thought these amendments constituted a confiscation of land. Mr. McHugh stated that with the stringent building codes currently in place, he did not think building a home on a steep lot was a concern. He said that he thought the City could be bankrupt with the amount of lawsuits that would be filed in the future. Mr. McHugh wondered if the City was planning on compensating property taxes because these properties have been down zoned.

Ms. Baker, 2704 All View, stated her support for these amendments and said building in the HRO-2 area in the canyon was the most problematic. She said the concern was not just for a particular home, but for the surrounding homes, and the entire hillside. Ms. Baker urged the Council to support these amendments and consider the density transfer proposals, which would help the situation.

Ms. Mokhtari, 24 Cliffside Court, stated that she agreed with everything the last speaker had stated.

Ms. Hutchinson, 2525 Hastings Drive, stated that she was concerned about the Western Hills area. She said she thought Mr. Carraro should be treated the same as the other property owners. Ms. Hutchinson stated that Belmont was very unique because there was natural open space and wild life, and if the city worked with owners like Mr. Carraro, we would be able to enjoy more open space.

Mr. Gorzell, 2824 Monte Cresta Drive, said he was in support of these recommendations because they met the objectives of the San Juan Plan, the Western Hills Plan and the General Plan. He said there had been ample opportunity for property owners or prospective property owners to review these plans, so they should have known design changes would be made. Each plan encouraged natural open space, geologic stability and preservation of views. Mr. Gorzell stated that those property owners concerned with the idea that their land has been taken should have reviewed the plans prior to purchase.

Mr. Gamble, Trafalagar Inc. 247 3rd Street, San Jose, stated he submitted three applications in the last 1.5 years to develop 11 homes on Bishop Road and would be submitting a 4th application. Mr. Gamble stated that the protections in place offered full health and safety safeguards for construction. Mr. Gamble read the March 6th planning commission staff report, which stated that the goals and policies of the San Juan and Western Hills plan were appropriate. These amendments indicate there had been a change in viewpoint. He explained that if these changes were adopted, his development would be reduced to four homes. He said that under the San

Juan Plan, he would be required to complete East Laurel Creek where the path is currently. Mr. Gamble asked the Council to continue these actions until a study could be conducted to better understand the property rights of the effected parties.

Mr. Fallaha, 708 Crane Avenue, Foster City, stated that the property he owned had been rezoned to HRO-2 and he felt that these amendments would cause his land to be condemned.

Mr. Chapman, 2823 San Juan Blvd, explained that the proposed 900 sf amendment would force people to live in a garage with parking on the street. He said a 1200 sf home was a better option. He noted that the home he was currently building would have 1800 sf of lot coverage if he used the lot coverage percent formula. He requested that the homes that were currently 1200sf have an exemption placed on them, so they would not become non-comforming, which would help to preserve the property value when sold.

Attorney Gardella, indicated that her client's property rights had been reduced to one tenth with all the changes since 1988, and she did not feel there had been enough development in the San Juan Canyon to cause such a reduction. Ms. Gardella explained that her client owned 40 acres in the heart of the canyon and no matter how many plans had been submitted to develop this property, the city has always prevented development. She said she could understand the value of preserving open space, but to prevent development without compensation was inappropriate. She said she did not think it was appropriate for Councilmembers who had provided seed money to the San Juan Canyon Trust and were vocal proponents of open space who live in the canyon, to vote on these actions. Attorney Gardella requested that the City meet with her client to discuss the possibility of an agreement for development rights in exchange for a dedication of open space. She said that one of the councilmembers had indicated to her client that they had prevented them from development on Bartlett by merging the lots. She said she was shocked to hear this because the land had not been merged. She requested this property be exempt from these amendments and suggested that a meeting be set up to discuss the granting of development rights before it became more difficult to accomplish this.

Mr. Naser, 2518 Ralston Avenue, said there was a way to preserve the community and private ownership rights and that was to reduce the number of units allowed to be built.

Ms. Knudson, 2413 Hastings Drive, asked if the number of units had been reduced by a third in the Western Hills Plan

On motion by C. Cook, seconded by C. Bauer, and approved unanimously, by roll call vote to close the Public Hearing.

Meeting recessed, at this time, being 9:15P.M.

Meeting resumed, at this time, being 9:30 P.M.

Attorney Colantuano explained that during the break Mr. Ward had given City Attorney Savaree a letter from Mr. Carraro's attorney that had not been entered into the record during the Public Hearing. He suggested that Council accept this letter into evidence at this time. Council accepted into record. (Letter on file in Clerk's office).

Associate Planner Ouse explained that in answer to Ms. Knudson's question earlier, the calculation of potential units in the Western Hills was based on the slope in the HRO-3 zoning district. She said if the current density was used, 38 units would be allowed. Using the proposed 66% reduction, 13 units would be allowed.

Attorney Colantuano clarified some of the remarks made by the speakers. He explained that anyone had a right to file a lawsuit, but that in his legal opinion the range of options that had been provided by the staff was lawful. In regard to the comments about the city taking property, Attorney Colantuano explained that the 5th amendment to the US Constitution stated that land could not be taken without reimbursement, property could be taken for public use, and paid for by over regulating. The way to over regulate was to deny someone a reasonable use of his or her property. If any economic use of the property is denied, it is considered a taking. He explained that this was not the situation here, the staff report had the Hillside Zoning policies attached from a range of other California cities. This proposal was in the middle of that bell curve, it was not more extreme or out of the main stream. Attorney Colantuano explained that the courts had been asked to rule on these types of zoning proposals, and have uniformly held that density standards for very steep lots in the neighborhood of a minimum of 10 acres per lot, are not a taking. He said the research indicated that these policies were more generous than what is allowed in other cities.

Attorney Colantuano responded to the speaker who indicated that they felt their rights to develop had been decimated because of a series of actions since 1988 and was down to 1/10th of the number of units allowed. Attorney Colantuano responded that zoning ordinances could be amended. The General Plan had a 20-year time frame and it should be reviewed periodically. Circumstances change, and the city was entitled to account for those circumstances. He said that if the current city leaders view the

planning choices made in the past different from the plan for the future, they are free to change them. This does not constitute a taking. He explained that a series of zoning actions over a period of time, reflect a changing community.

Attorney Colantuono confirmed that none of the five Councilmembers had a conflict of interest in these proceedings.

In answer to the question about having aspirations to develop the land, and paying taxes and fees over time in respect to that land. Attorney Colantuono noted that one of the responsibilities of the landowner was to pay taxes. He said that these actions will be reported to the County assessor, and the County assessor will be required to reassess these properties, thereby lowering the tax burden.

In response to the questions regarding 900sf default rule for the developability of extremely steep lots (30%+). Attorney Colantuono explained that he didn't interpret the standard to include the garage that was an issue the planning department will work out in the future. He said the City ordinances allow for transfer of development rights, if a larger home is desired. He said the 900 sf was not the end of the discussion, but the beginning, which created an appropriate incentive for developers in the canyon, to accomplish the goals of preserving an appropriate amount of open space, clustering development and reducing the intensity, and density for development there.

Attorney Colantuono summarized the concerns stated in the letter by Attorney Hudak on behalf of Mr. Carraro. 1): Staff is not in a position to answer the question as to whether a Planning Commissioner resided within 300 feet of the affected area. He said it was his observation that the Planning Commission made a recommendation. The important decision was the one made by the City Council. 2): He explained that the question of noticing at the Planning Commission level. Attorney Colantuono explained that the Government Code advises that when more than 1000 properties are affected by a zoning decision, individual notices are not necessary. A legal ad will suffice. Staff relied on that authority for guidance in this matter for the workshops and the Planning Commission hearings. He said the staff determined they would notice Mr. Carraro and the rest of the HRO-3 property owners for this hearing. 3): In response to the question regarding whether an appropriate environmental review should be done before proceeding - **Attorney Colantuono** read Attorney Hudak's concern from his letter (on file in the Clerk's office) Page 1, paragraph 3-4, which stated....."Attorney Colantuono cited several sections of the state guidelines relied on by staff and the Commission to support this position that the

amendments were categorically exempt, and he added his view that, by definition, a "downzoning: could not have a significant environmental impact. He recommended that we press our substantive issues before the City Council. From our perspective, the procedural issues are not so easily dismissed and we believe that an environmental review is warranted. The changes virtually force an owner to develop estate lots rather than to cluster homes in a discrete area and to dedicate the remainder to permanent open space the environmental consequences of that shift should be evaluated".

Attorney Colantuono said the staff rebuttal to this would be that we did not believe the rules had that affect. One of the actions to follow, would be to consider clustering guidelines, and encourage it where possible. Attorney Colantuono did not agree that this analysis of the rules was accurate, and that Attorney Hudak had identified an environmental impact that requires analysis.

In response to C. Cook, Attorney Colantuono explained that when development standards were changed, houses that were developed to a previous standard, become legally non-conforming. He explained there were legal consequences to becoming legal non-conforming with respect to the right to remodel and expand.

Community Development Director Ewing explained that continued use of a non-conforming home, would not cause it to lose its status, but the structure could not be enlarged.

In response to C. Wright's questions, Community Development Director Ewing stated that introducing more flexibility into the density transfer process was one of the goals of the Hillside program, but was not a part of this first study. He said staff would continue to study this process.

In regard to the 100-acre parcel in the Western Hills, Community Development Director Ewing explained that the property owner could propose a development plan. Council would have to decide if they wanted to split this area off from the rest of the actions to be considered tonight.

Attorney Colantuono explained that these actions should be considered in the following order: 1). The Plan amendment (reduce density); 2). The Zoning amendments (reduce density); and 3). Zoning amendments (reduce maximum house size). He noted that staff was recommending the same amendments for the San Juan Canyon Plan and the Western Hills Area Plan. Council had the option to adopt both plans, change them and defer action on the Western Hills Plan. He explained that if there is no deferment, Mr. Carraro should submit a plan that reflects the new density. Attorney

Colantuono explained that if a plan with higher density were submitted, Mr. Carraro would be required to apply for a General Plan amendment. He said this action would then undo what was being proposed tonight. The restriction to this policy decision would be two fold; General Plan amendment action had the potential to call for environmental review, and the General Plan could only be amended four times a year.

In response to C. Warden, Community Development Director Ewing reported that there had already been a couple of General Plan amendments this year already.

In response to C. Wright, Mayor Warden explained that he had asked staff to consider a third alternative regarding the minimum floor area for the HRO-2. He explained that he thought a sliding scale method, where by the 1200 sf is maintained as it is- then for every 1 degree of slope, 10 sf is removed from the minimum floor area, then at 60 degrees, this minimum floor area becomes 900sf. This would become the default for slopes above 60 degrees. Mayor Warden stated that he would like Attorney Colantuono to react to this proposal.

Attorney Colantuono explained that the technical answer was that the Council could not act on anything that the Planning Commission had not considered. The Commission was presented with a range of solutions and made a recommendation. He said this option might benefit from having the commission review it. He said that if the Council felt the process would benefit from this review, but want the process to continue to move forward, he suggested that the 900sf standards be adopted and by minute action direct staff to send this 900-1200 sf sliding scale proposal to the Planning Commission promptly for a decision that can be returned to Council.

C. Cook and C. Bauer stated they both supported having this option reviewed by the Planning Commission.

Community Development Director Ewing explained that the 900sf included the garage.

C. Warden stated that these lots had value in their ability to transfer the floor area to another parcel. The intent was to cluster development and create open space.

In response to C. Metropulos, Attorney Colantuono explained that Mr. Carraro could submit a General Plan amendment for consideration with his plan.

C. Warden said he would like Council to move forward on these amendments and have the Planning Commission look at the sliding scale approach for the square footage.

C. Bauer stated he hoped that the San Juan Trust Group would approach these landowners and try to purchase this land for open space, as opposed to legislating people out of their development rights. He explained that he thought 66% was excessive and would be more comfortable if the figure could be reduced to 50%. He said he thought there were enough safe guards on the books to prevent construction in these unsafe areas and these additional roadblocks should be reconsidered.

C. Wright said these actions were considered for the very steepest of lots and the issues were the same as those considered with the lot merger actions taken earlier. He said he thought Council should move forward, with the caveat that the Planning Commission look at the sliding scale square footage formula.

C. Metropulos stated that issues like these have to be balanced by the property rights vs. the health, safety and welfare of all the citizens.

C. Cook and Warden stated that they were in support of the 66% formula, and to have the Planning Commission look at sliding scale minimum floor area formula.

Attorney Colantuono explained that by adopting this Resolution, Council would also be adding the Whereas paragraph read into the record by the earlier regarding these amendments.

Action: on motion by C. Cook, seconded by C. Metropulos, and approved unanimously, by roll call vote to adopt:

Resolution No. 9229 amending the San Juan Hills Area Plan and the Western Hills Area Plan to reduce the range of allowable densities in hillside areas.

Attorney Colantuono explained that by introducing this Ordinance, Council would be putting into place the 900 sf rule, and adopting the density reduction and lot size increase, along with an amendment to send the sf sliding scale formula to the Planning Commission for consideration.

Action: on motion by C. Cook, seconded by C. Warden and approved on roll call vote 4-1 (Bauer, no) to Introduce Ordinance amending Section 4.7 (Hillside residential and Open Space (HRO) Districts) of Belmont Zoning

Ordinance No. 360, (waive further reading, second reading and adoption on May14, 2002).

MINUTE ACTION: on motion by C. Cook, seconded by C. Wright and approved unanimously, by roll call vote too request the Planning Commission consider the sf sliding scale formula proposal in respect to the maximum structure size.

Motion by C Cook, seconded by C. Warden to close public hearing

OLD BUSINESS

Consideration of Options for a New Police Facility

Assistant City Manager Rich reported that the City Council had rejected the City Hall retrofit bids and directed staff to begin work on options for a new police facility. He stated that Noll and Tam Architects had been retained to do site planning on two alternatives: 1). a small, stand-alone facility housing essential police services; and, 2). a larger, stand-alone facility housing the entire police department. He explained that six options had been identified for Council consideration. Assistant City Manager Rich stated that along with choosing an option, staff would like consideration to authorize \$40,000 for repairs to the current police facility.

Assistant City Manager Rich mentioned that none of the options met all the needs and had positive and negative aspects including parking, circulation, operation applications, cost and other factors. He requested that Council weigh cost benefits and impacts to determine which alternative best satisfied the conflicting long-term benefits of the community.

Assistant City Manager Rich listed the Police Facility options and costs:
Option A – essential services building, south, 10,350 square feet at approximately \$6.9 million, no Council Chamber: Option B – essential services building, north, cost, same as Option A, no Council Chamber:
Option C – Mid-size building with Council Chamber, 20,300 square feet, and 8,000 square feet within City Hall linked by a second story bridge, approximately \$8.9 million, ground floor Council Chamber: Option D – Full stand-alone Police Facility 28,600 square feet with 6,000 square feet of underground parking at approximately \$11.2 million, no Council Chamber:
Option E – retrofit existing city Hall and move police into building at approximately \$8.7 million, no Council Chamber: Option F – Purchase Adjacent Property , same as Option D, constructed on the Wells Fargo Site, approximately the same cost at Option D including the acquisition of the property and demolition of the existing building, no Council Chamber.

Assistant City Manager Rich stated that Options A-B required modest additional funding sources, Options C-D-E-F all required more funding sources, but the net was lowered by the use of revenue stream taken from renting space in the building.

Meeting Extended at this time, being 10:30 P.M., this meeting was extended for 30 minutes.

In response to C. Warden, Finance Director Fil explained that the \$3.6 million in Redevelopment Agency bonds were already banked and no pay back was required except for the tax increment.

In response to C. Wright, Finance Director Fil explained that Certificates of Participation (COP) was a funding mechanism which would allow us to borrow against the future leasing revenue and use the money for construction.

City Manager Kersnar explained that the Council had a policy issue that needed to be decided around how the Council wanted to finance this project. One option would include using \$3.6 million of the 1999 bond proceeds, and the other option would include Certificates of Participation.

Council and staff discussed the various funding options.

Meeting Extended at this time, being 11:00 P.M., this meeting was extended for 15 minutes.

In response to C. Cook, Assistant City Manager Rich stated that if option A-D were chosen, it would be 12-18 months to go to bid, option E would be quicker, but was harder to quantify and options E-F would require negotiations with the property owners. This would determine the timeframe for this project to go to bid.

Community Development Director Ewing explained the various entitlements that were needed for this project which included a Negative Declaration, a Conditional Use Permit and then design review which would all be heard by the Planning Commission.

Mr. Little, 1048 O'Neill Avenue, expressed concerns about the noise that would be generated if Option A was chosen. He said the mechanical noise would be detrimental to the neighborhood and the electric gate that was proposed would open up right at the bridge that cuts through to O'Neill and this would create an unsafe conditions for the neighborhood. Mr. Little stated

he preferred Option B, because he thought Option A would devalue properties along the creek.

Ms. Sanders, 955 Waltermire St., stated that she was against option A for the same reasons as the last speaker. She said the homeowners in this area should be taken into consideration regarding the noise that would be generated by a station being so close to the homes.

Mr. Miner, 955 Waltermire St. stated he was in favor of option D, because it would have less negative impact on the neighbors.

Mr. Long, 857 South Road, stated he was in favor of option F. He said he thought that conversion of the Wells Fargo Building would cause the least impact to the current police operations and would keep the density in a part of town that could withstand the impact. Mr. Long said he would like the Redevelopment Agency bond money spent on the Walgreen's block and not spent on a police facility.

Ms. Feierbach, 3206 E. Laurel Creek, former Councilmember and Mayor, expressed her concerns about spending the 1999 bond proceeds for the police facility. She noted that when those bonds were sold, it was the Council's understanding that the money would be spent to rehabilitate Block 4. She said she never would have voted for the bonds if she thought that the money would be spent elsewhere. Ms. Feierbach said she had spoken with former Councilmember Della Santina who agreed with these statements. She said that she thought that if City Redevelopment funds were used, the City would have more control over the Block 4 project. She said she was in favor of the Ekona or Wells Fargo Bank option. She said she liked the idea of having the police in one facility, which would insure that the building would be retrofitted to provide a safe building for all city employees and would be more secure. Ms. Feierbach urged the Council to move forward quickly.

Mr. Mason, City Treasurer, 5 Debbie Lane, stated he was in favor of option F. He reviewed the various projects that had been decided upon by the council over the last 40 years. He said that if we acquired the Wells Fargo building, all the police could be housed in one facility, it would save our current parking and protect Twin Pines Park.

Meeting Extended at this time, being 11:15 P.M., this meeting was extended for 15 minutes.

Police Officer Psaila, President, Police Officers Association, stated that the police officers preferred to be together in one building to allow for an efficient operation of the department.

Meeting Extended at this time, being 11:30 P.M., this meeting was extended for 10 minutes.

Council discussion ensued. They concurred to remove options A and F and requested additional information on the four remaining options before making a final decision.

Action: on motion by C. Wright, seconded by C. Bauer and approved on a roll call vote 4-1 (Metropulos, no), to remove options A and F from consideration and direct staff to provide additional financial information on two financing options: 1). using Redevelopment Agency Bond proceeds first, and, 2). lease revenue stream second, and then to consider this funding in reverse for the remaining options B,C,D,E

Meeting Extended at this time, being 11:30 P.M., this meeting was extended for 10 minutes.

NEW BUSINESS -

Discussion regarding options for City Clerk Position.

City Attorney Savaree explained the various options for Council consideration regarding the

Elected City Clerk position following the resignation of the City Clerk on May 1, 2002. She

explained that Government Code Section 36512 called out two options for consideration, to appoint someone to fill the remainder of the Clerk's term or set the matter for an election in November of 2002. She said the cost would be around \$10-20, 000 for this special election.

City Attorney Savaree said this represented an opportunity to look at larger issues in the City Clerk's Office, which she had outlined in the staff report regarding elected and appointed City Clerks.

She reported that this position would remain elected in Belmont unless the voters voted to change this position.

C. Warden asked if it was important to provide direction on whether the Council would like to make this position appointed or remains elected.

City Attorney Savaree stated that this was a policy question that the Council needed to answer.

C. Cook stated that she would like this position to stay elected in the long-term. She said she would not have a problem putting an advisory measure on the November ballot to determine if the voters wanted this position to remain elected.

Mr. McLaughlin , 3313 Plateau Drive, reviewed the history of the six elected City Clerks in Belmont, which he thought brought stability to the position. He said that he thought that appointing the current clerk to the position following her resignation would circumvent the law. He reviewed the options spelled out in Government Code 36512 and said he preferred that the Council call for a special election to fill the one-year term.

Mr. McLaughlin quoted from Government Code Section 36804, which he said indicated that when the Clerk position was vacant, the Deputy would act. If there was none, the mayor shall appoint one of the councilmen to serve as city clerk pro tempore. He requested that the Mayor appoint Clerk Pro Temporaries until the election in November, because he felt there was no deputy at this time. Mr. McLaughlin said the City Clerk position should remain full time, and a reasonable salary should be set so that qualified people would run for this position. He said a measure could be put on the ballot to ask if this position should remain elected, but he thought it would be defeated.

Meeting Extended at this time, being 11:45 P.M., this meeting was extended for 5 minutes.

Ms. Hall, 1179 Villa Avenue, former City Clerk requested that Council hold a Special Election in November 2002 to elect a new Clerk. She said this process was successful for Belmont.

C. Cook expressed concerns about making sure that someone be appointed to keep the office running smoothly. She said she would like to have staff provide some options to accomplish this.

C. Wright stated that 75 years ago when the City was being formed it was probably important have an elected City Clerk. He said it might not hurt to have an advisory measure on the ballot in November to determine if this was still important to the citizens. C. Wright said that in the

Meantime, he was in favor of a bifurcation of duties to have the work continue.

Council concurred to keep the Clerk position elected. Staff was directed to come back with options to fill the position in the meantime.

ADJOURNMENT at this time, being 11:55 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape-recorded and videotaped.

Tape No. 523